California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

September 26, 2007

In the Matter of

Water Quality Certification

for the
SONOMA COUNTY WATER AGENCY
HINEBAUGH CREEK CHANNEL MAINTENANCE PROJECT
WDID NO. 1B07096WNSO

APPLICANT:	Sonoma County Water Agency
RECEIVING WATER:	Hinebaugh Creek
HYDROLOGIC AREA:	Russian River Hydrologic Area No. 114.00, Laguna Hydrologic Sub Area No. 114.21
COUNTY:	Sonoma County
FILE NAME:	Hinebaugh Creek Channel Maintenance Project

BY THE EXECUTIVE OFFICER:

1. On September 21, 2007, Michael Stevenson, on behalf of Sonoma County Water Agency (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Hinebaugh Creek Channel Maintenance Project. A fee in the amount of $500.00 was received on June 22, 2007. The remaining fee balance of $352.00 will be paid within 30 days of issuance of this Certification.

   Information describing the proposed project was noticed for public comment on the Regional Water Board's website on September 26, 2007. Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of emergency associated with this project due to the possibility of flooding of the Redwood Drive area of Rohnert Park, this 401 Water Quality

Certification will be issued during the 21-day public comment period. Public comments will still be accepted and reviewed during the entire 21-day comment period.

2. The project extends from Highway 101 to approximately 100 feet downstream of Labath Drive in Rohnert Park, Sonoma County, California. The purpose of the project is to improve the hydraulic capacity of Hinebaugh Creek, prevent potential flooding of adjacent residences and properties, and improve the creeks potential to serve as aquatic habitat. Emergency dredging of the creek channel is critical to the prevention of flooding in the Redwood Drive area of Rohnert Park.

3. The project is comprised of: (1) installation of temporary access ramps; removal of sediment from the channel bottom and the box culverts under Redwood Drive and Labath Avenue; (2) removal of vegetation from the channel bottom; (3) removal or limbing of selected trees growing at the bank toes; (4) installation of a dewatering system; and (5) creation of a low flow channel (thalweg).

   The project involves vegetation management and sediment removal in Hinebaugh Creek (approximately 2,400 linear feet). Other activities may include bank stabilization, landscaping, fencing, mowing, and debris removal. Hinebaugh Creek is an engineered trapezoidal flood conveyance channel. The hydraulic and flood conveyance capacity of this channel has been decreased from its original design, due to a combination of silt accumulation and growth of in-channel vegetation. Winzler and Kelly Consulting engineers (W&K) performed a hydrologic and hydraulic study of Hinebaugh Creek (W&K, 2005). Results of the study indicate that under 2003 channel conditions, the predicted 100-year water surface is above the top of bank for much of the project reach. Results of this model were used to identify general problem areas to aid in the design of this project.

   Four temporary access ramps will be constructed. The ramp locations on both banks were selected to avoid impacts to large, mature trees and to minimize impacts to under-story vegetation. Access ramps would be temporary and would be restored following sediment removal. The ramps would be seeded with native grasses and erosion control fabric would be installed.

   Sediment and vegetation growing in the bed will be removed with an excavator, bulldozer, or front loader operating in the dewatered channel. Approximately 4,400 cubic yards of accumulated sediment will be piled and removed using a long-reach excavator positioned at access ramps, or with equipment, including haul trucks operating in the dewatered channel when necessary. Sediment will be hauled to an off-site location approved by the Regional Board.

   Vegetation growing on the lower bank that impedes high flows and contributes to flooding will be selectively removed or limbed. Work on banks would be completed using hand tools. The existing over-story canopy will be preserved to the greatest

extent possible. In anticipation of this project, and the corresponding reduction of stream bank shading, SCWA planted 50 Alder trees on the South bank between Redwood Drive and Labath Avenue.

Work will be done during the fall; however it is likely that some flow will be present as a result of urban runoff. Sediment removal will require installation of a dewatering system to intercept and divert surface water and intercepted shallow groundwater moving through near surface sediments. The water diversion system will consist of digging a sump at the upper end of the Project, just downstream of Highway 101, and pumping any nuisance water around the worksite to re-enter the channel below Labath Drive. Fish screening shall be conducted at the intake meeting all NOAA Fisheries fish screen criteria. Large sediment filtering bags will be incorporated into the outlet end of the discharge line to minimize turbidity. The dewatering system will be removed following project completion.

Meandering low flow channels will be constructed in a similar wavelength and sinuosity as those observed in the channel from aerial photographs. In the lower areas, which exhibit backwatering characteristics, a thalweg will be created near the south bank. Locating the thalweg near the south bank will concentrate flow into a deeper channel and allow aquatic habitat to benefit from shading from the southern bank.

4. Compensatory mitigation will include off-site restoration of a 9,000 square foot area of highly impacted riparian habitat. The project footprint is 89,000 square feet, the restoration ratio is 1:10 (restoration area : project footprint). The restoration site is in the process of being identified; a full restoration plan will be submitted to the Regional Board for approval within 6 months of permit approval. Construction of the mitigation site will be completed within 1 year of Regional Board approval of the restoration plan. The restoration plan will include a written description and site plans that will identify the measures to be implemented, including a species list and the locations and quantities of each species to be planted. The major criteria for the restoration site selection will include proximity to the project site and the condition of the restoration site. If the site is located on private property, the restoration plan will be accompanied by an agreement with the landowner(s) regarding the restoration project and provisions for its maintenance. Native trees and shrubs will be planted and managed. A five year monitoring plan will be implemented with an 85% survival rate of all proposed plant species. Additionally, a native seed mix will be spread below erosion control fabric on all areas of disturbed soil. Yearly monitoring and reporting will be required.

5. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season; installation of construction barrier fencing to preclude equipment entry into sensitive areas;

installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; and seeding and mulching.

6. Sonoma County Water Agency, the lead California Environmental Quality Act (CEQA) agency, has determined that this Project qualifies for a Categorical Exemption, 15301 – Existing Facilities, pursuant to CEQA guidelines. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the Project or required as a condition of approval to avoid significant effects to the environment.

7. The Applicant has applied for an Army Corps Nationwide permit No.(s) 3 and 33, dated June 20, 2007.

8. The applicant has received a California Department of Fish and Game 1600 Streambed Alteration Agreement, on July 16, 2007, Notification Number: 1600-2007-0315-3.

Receiving Water:	Laguna Hydrologic Sub Area No. 114.21, Hinebaugh Creek, a tributary to the Russian River Hydrologic Area No. 114.00
Filled or Excavated Area:	2.04 acres of temporary impacts
Latitude/Longitude:	38.34995˚ north, –122. 7185˚ west
Expiration:	October 15, 2009

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE HINEBAUGH CREEK CHANNEL MAINTENANCE PROJECT (FACILITY NO. 1B07096WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.

4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).

5. The Russian River watershed and the Laguna de Santa Rosa (tributary to the Russian River) are identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. The Laguna de Santa Rosa is listed as impaired for sediment, temperature, nitrogen, phosphorus, dissolved oxygen, and mercury. At present, total maximum daily loads (TMDL)s have not been established for these water bodies. If TMDLs are established and implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

6. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Basin (Basin Plan).

7. The Applicant shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.

8. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

9. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.

10. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.

11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.

13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.

14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water.

16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this project.

17. All mitigation activities shall be completed as proposed in the application.

18. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.

19. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and

implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

20. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:

    a. requesting entity's full legal name
    b. the state of incorporation, if a corporation
    c. address and phone number of contact person
    d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

21. The authorization of this Order for any dredge and fill activities expires on October 15, 2009. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

_____
Robert R. Klamt
Interim Executive Officer

092607_DLB_Hinebaugh_Creek_Emergency_Maintenance_Phase1_401Cert.doc

Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Mr. Keenan Foster, Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95406

Copies sent to: Michael Stevenson, Jones & Stokes, 268 Grand Avenue, Oakland, CA 94610-4724
Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398
Mr. Bill Cox, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599